

United States District Court

Eastern District of California

Mark A. DuRoss,

Petitioner, No. Civ. S 01-2312 DFL PAN P

vs. Order

California State Prison, et al.,

Respondents.

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On August 2, 2002, the court dismissed this action because petitioner failed to allege cognizable grounds for relief and the clerk of the court duly entered judgment. Petitioner seeks relief from judgment.

Pursuant to Fed. R. Civ. P. 60(b):

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence

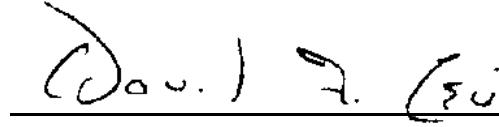
1 which by due diligence could not have been discovered  
2 in time to move for a new trial under Rule 59(b); (3)  
3 fraud (whether heretofore denominated intrinsic or  
4 extrinsic), misrepresentation, or other misconduct of  
5 an adverse party; (4) the judgment is void; (5) the  
6 judgment has been satisfied, released or discharged, or  
7 a prior judgment upon which it is based has been  
8 reversed or otherwise vacated, or it is no longer  
9 equitable that the judgment should have prospective  
10 application; or (6) any other reason justifying relief  
11 from the operation of the judgment.

12 Petitioner does not demonstrate that he is entitled to  
13 relief from judgment on any of the above-listed grounds.

14 Accordingly, petitioner's July 26, 2005, request is denied.

15 So ordered.

16 DATED: 11/11/2005

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18 DAVID F. LEVI  
19 United States District Judge